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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/973,293	12/01/1997	ROBERT G. SCHWARTZ	8001.101/00	6722

7590

05/06/2005

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EXAMINER
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BASS, JON M

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

08/973,293

Applicant(s)

SCHWARTZ ET AL.

Examiner

Jon Bass

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 1997.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-28,31-81,130-183,192-205 and 208-210 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-28,31-81,130-183,192-205 and 208-210 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Jon Bass*

### DETAILED ACTION

1. This is response to the communication "Postage Payment" filed on December 01, 1997.

### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 26-28 and 31-35 are** rejected under 35 U.S.C. 102(e) as being anticipated by Robert Schwartz et al. (US Patent Number 5,615,120) hereinafter referenced as Schwartz.

#### **As Per Claims 26 and 130:**

Schwartz et al.('120) discloses:

- Fig. 1- illustrates an electronic postal scale system
- Fig. 8- (230), keyboard interface, (201), microprocessor
- Fig. 13-(9), display information on screen (col.6, lines 46-47)
- Fig. 15A, flow chart illustrating an application process perform by the system

**As Per Claim 27:**

Schwartz et al.('120) discloses:

- Fig 15A-(1541) & (1543), printer and generates label
- Fig 14-(890), printer
- Col.2, line 49; optical scanner

**As Per Claims 28 and 131:**

Schwartz et al.('120) discloses:

- Fig. 32- (170), barcode scanner

**As Per Claims 31, 32, 134 and 135:**

Schwartz et al.('120) discloses:

- Col.2, line 29; various carriers

**As Per Claims 33 and 136:**

Schwartz et al.('120) discloses:

- Fig. 9, (305), zip/zone module

- Fig. 32(170), barcode scanner

**As Per Claims 34 and 137:**

Schwartz et al.('120) discloses:

- Fig 15A, application process performed by the system

**As Per Claim 35 and 138:**

Schwartz et al.('120) discloses:

- Fig 15A, application process, if verified then print the label

4. **Claims 36 -57 are** rejected under 35 U.S.C. 102(e) as being anticipated by William Imlah (US Patent Number 5,812,991) hereinafter referenced as Imlah.

**As Per Claims 36, 58 and 139, 161:**

Imlah discloses('991):

- Fig. 9, (display the postage indicia
- Fig 3B, illustrates postal or verification indicia
- Fig 14, (1403), debits from secure meter
- Col. 8, lines 50-56, compare information to detect unauthorized use
- Col.8, lines 38-40, indicate payment
- Col.7, lines 50-52, controls printing of postage indicia

- Col.7, lines 54-55, provides the ability to print the postage indicia

**As Per Claims 37, 38, 140 and 141:**

Imah ('991) discloses:

- Col.8, lines 12-15; Post Office sites and authorized agents will have installed systems complementary software installed on customers PC.

**As Per Claims 39, 40, 41, 42, 64, 65, 66, 67 142, 143, 144 and 145 and 166,167, 168, 169:**

Imah ('991) discloses:

- Col.8, lines 38-40, request an amount of postage and indicate payment by such valid bankcard or debit account.

**As Per Claims 43, 68 and 146 and 170:**

Imah ('991) discloses:

- Col.8, lines 38-40, request an amount of postage and indicate payment by such valid bankcard or debit account.

**As Per Claims 44, 69 and 147 and 171:**

Imah ('991) discloses

- Col.8, lines 43-44, verification of unique information

**As Per Claims 45, 70 and 145 and 172:**

Imah ('991) discloses:

- Col.8, lines 43-44, verification of unique information

**As Per Claims 46 and 149:**

Imah ('991) discloses:

- Fig. 14- (1404A); with special indicia

**As Per Claims 47, 72 and 150 and 174:**

Imah ('991) discloses:

- Fig.14- (1401A), with special indicia barcode

**As Per Claims 48, 73, and 151 and 175:**

- Fig. 3C, illustrates an encoded user registration form

**As Per Claims 49, 74 and 152 and 176:**

Imah ('991) discloses:

- Fig. 3C, illustrates an encoded user registration form

**As Per Claims 50, 75, 153 and 177:**

Imah ('991) discloses:

- Fig. 3C, illustrates an encoded user registration form

**As Per Claims 51, 76 and 154 and 178:**

Imah ('991) discloses:

- Fig. 3C, illustrates an encoded user registration form

**As Per Claims 52, 77 and 155 and 179:**

Imah ('991) discloses:

- Col. 8, lines 12-13, post office sites and authorized agents

**As Per Claims 53, 78, and 156, 180:**

Imah ('991) discloses:

- Col. 8, lines 12-13, post office sites and authorized agents

**As Per Claims 54, 79, 157 and 181:**

Imah ('991) discloses:

- Col. 8, lines 43-44, verification of unique information:

**As Per Claims 55, 80, 158 and 182:**

Imah ('991) discloses:

- Fig. 15-(1519), printer label maker

**As Per Claims 56, 81, 159 and 183:**

Imah ('991) discloses:

- Fig. 15-(1519), printer label maker

**As Per Claims 57 and 160:**

Imah ('991) discloses:

- Fig. 15-(1519), printer label maker

**As Per Claims 59 and 162:**

Imah ('991) discloses:

- Fig. 14-(1401A), envelope with special indicia

**As Per Claims 60 and 163:**

Imah ('991) discloses:

- Fig 14-(1407A), pass route in mail

**As Per Claim 61:**

Imah ('991) discloses:

- Fig. 15-(19), printer

**As Per Claims 62 and 164:**

Imah ('991) discloses:

- Col. 8, lines 12-14, authorized agents will have installed systems complementary to the customers PC

**As Per Claims 63 and 165:**

Imah ('991) discloses:

- Col. 8, lines 12-14, authorized agents will have installed systems complementary to the customers PC

**As Per Claims 71 and 173:**

Imah ('991) discloses:

- Fig. 14- (1404A); with special indicia

5. **Claims 192-205 and 208-210 are** rejected under 35 U.S.C. 102(e) as being anticipated by Michael Critelli et al. (US Patent Number 6,260,029 B1) hereinafter referenced as Critelli.

**As Per Claim 192:**

Critelli ('029) discloses:

- Col.1, lines 66-5, electronic indicium for use on a item shipped
- Col. 2, lines 1-5, electronic indicium including integrated chip having memory , memory has stored evidence of shipping payment and third party certified

**As Per Claims 193-195:**

Critelli ('029) discloses:

- Col. 2, lines 1-5, electronic indicium including integrated chip having memory , memory has stored evidence of shipping payment and third party certified

**As Per Claim 196:**

Critelli ('029) discloses:

- Fig. 3 (112), digital signature

**As Per Claim 197:**

Critelli ('029) discloses:

- Fig 2-(104), encrypted message digest

**As Per Claim 198:**

Critelli ('029) discloses:

- Fig. 8, (35, 38), includes evidence of the payment with the third party, certified, cryptographically secured information

**As Per Claims 199-205:**

Critelli ('029) discloses:

- Fig. 8, (35, 38), includes evidence of the payment with the third party, certified, cryptographically secured information
- Fig 8, (33), postage amount
- Fig. 1, (33) indicia amount

**As Per Claims 208-210:**

Critelli ('029) discloses:

- Col. 2, lines 1-5, electronic indicium including integrated chip having memory , memory has stored evidence of shipping payment and third party certified

***Conclusion***

Any concerns in regard to this communication, the examiner **Jon Bass** can be reached at

**(571) 272-6905** between the hours of **9-6pm Monday through Friday**. The fax number for the establishment where the application is being process is **(703) 872-9306**.

If an attempt to reach the examiner is unsuccessful for any reason, the examiner's immediate supervisor, **John Weiss** can be reached at **(571) 272-6812**.

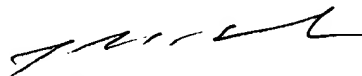
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished is available through Private PAIR only. For more information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-271-9197 (toll free).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

C/O Technology Center 3600

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